IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE SIXTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL No. 461 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 01/11/2004 in WP No. 19959 OF 2004 on the file of the High Court.)

Between:

Kallem Anji Reddy, S/o. Basivi Reddy,
R/o. Chagantipadu Village, Thotlavallur Mandal, Krishna District.

..... APPELLANT

AND

1. Sri Venugopala Swamy Vari Devasthanam, A deity rep. by its Executive Officer, Thotlavallur Village & mandal, Krishna District-521 002.
2. The District Collector, (Land Acquisition), Krishna District, Machilipatnam, Krishna District-521 002.
3. The Mandal Revenue Officer, Thotlavallur, Krishna District-521 163.
4. The Land Acquisition Officer-cum-Revenue Divisional Officer, Vijayawada, Krishna District regarding RS .No.108,
Thotlavallur Village of Krishna District, Vijayawada (Krishna District-520 001.

.....RESPONDENTS

Counsel for the Appellant: Mr. P.GOPAL DAS

Counsel for the Respondent No.1: SMT.N.INDRANI

Counsel for Respondent Nos. 2 to 4:GP for Land Acquisition.

The Court made the following :

ORAL JUDGMENT:

(per Honourable Sri Devinder Gupta, the Chief Justice)

The Appeal is against the order passed by the learned Single Judge dismissing the Writ Petition No.19959 of 2004 filed by the appellant. In the appeal, the appellant questioned the legality and validity of the Award No.1 of 2003, dated: 28.3.2003 passed by the 4th respondent insofar as it relates to writ schedule property. Learned Single Judge dismissed the writ petition as devoid of any force.

Having heard the learned counsel for the appellant, we find that there was absolutely no merit in the writ petition, and, for that reason, no interference is called for in the appeal with the ultimate order passed by the learned Single Judge.

On 6.7.1999, notification under Section 4(1) was issued, which was published in the official gazette on 7.7.1999. On coming to know of the acquisition proceedings and that petitioner's interest might not be safeguarded in the said proceedings, Writ Petition No. 13743 of 2003 was filed by the appellant and another person, which was disposed of on 28.8.2001 reserving liberty to the appellant to prefer his claim before the 4th respondent and with direction to the 4th respondent to proceed to pass Award in accordance with law. Pursuant to Section 9(1) proceedings issued by the 4th respondent, it is the appellant's case that he did file a claim before the 4th respondent in June, 2002 and since no Award was passed, contempt proceedings were initiated in C.C.No. 297 of 2003, in which counter affidavit was filed by the Land Acquisition Officer, and, ultimately on 28.3.2003, Award was passed by the Land Acquisition Officer without notice and showing the appellant and without verifying the counter of the appellant. Needless to add that the appellant was not held entitled to any amount of compensation. Instead of taking out appropriate proceedings by seeking reference to the Court as regards the apportionment as envisaged under Section 18 of the Land Acquisition Act, petitioner chose to file writ petition, which was rightly dismissed by the learned Single Judge. Learned counsel for the appellant submits that he may be permitted to file appropriate application. In view of the fact that limitation has expired, we cannot grant such permission for filing an application under Section 18 seeking reference to the Court. The Writ Appeal,

therefore, is dismissed. No costs.

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DEVINDER GUPTA, C.J.

16.3.2005.

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B.SESHASAYANA REDDY, J.

VR.

To

1. The Executive Offocer.Sri Venugopala Swamy Vari Devasthanam, Thotlavallur Village & mandal, Krishna District-521 163.
2. The District Collector, (Land Acquisition), Krishna District, Machilipatnam, Krishna District-521 002.
3. The Mandal Revenue Officer, Thotlavallur, Krishna District-521 163.
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Thotlavallur Village of Krishna District, Vijayawada (Krishna District-520 001.

5. Two CCs to Government Pleader for Land Acquisition, High Court Buildings, Hyderabad (OUT).

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